

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hillary Hudson	Team: Team # 1	CCRB Case #: 201104970	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/19/2011 12:40 AM	Location of Incident: Fulton Street and Ralph Avenue	Precinct: 81	18 Mo. SOL 10/19/2012	EO SOL 10/19/2012	
Date/Time CV Reported Tue, 04/19/2011 11:42 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 04/19/2011 11:43 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Edmonds	05133	930090	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Sharon Ramirez	11611	949525	PBBN
2. POM George Kurian	10678	948065	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Edmonds	Abuse: Sgt. Michael Edmonds stopped § 87(2)(b)	
B.SGT Michael Edmonds	Force: Sgt. Michael Edmonds used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint online with the CCRB on behalf of her son, § 87(2)(b) on April 19, 2011 (encl. 6A-D). She did not witness the incident.

On April 19, 2011, at approximately 12:40 a.m., § 87(2)(b) was issued a juvenile report for disorderly conduct by Sgt. Michael Edmonds, PO Sharon Ramirez, and PO George Kurian in the vicinity of Ralph Avenue and Fulton Street in Brooklyn. The following allegations resulted:

- **Allegation A—Abuse of Authority: Sgt. Michael Edmonds stopped** § 87(2)(b)
§ 87(2)(g)
- **Allegation B—Force: Sgt. Michael Edmonds used physical force against** § 87(2)(b)
§ 87(2)(g)

Results of Investigation

Civilian Statement

- **Victim:** § 87(2)(b)
§ 87(2)(b) was a § 87(2)(b)-old Hispanic male at the time of the incident, 5'7" tall, 147 pounds, with brown hair and brown eyes. § 87(2)(b)

Statements to Medical Provider

On § 87(2)(b), § 87(2)(b) was seen at the § 87(2)(b). His chief complaint was a neck/head injury. He stated that he was assaulted by policemen, in the context of blunt trauma. He had pain to his head, face, and neck. His records stated both that he had a painless range of motion in his neck, and pain on movement of his neck (encl. 15A-K).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on May 4, 2011 (encl. 8A-E).

On April 19, 2011, at approximately 12:40 a.m., § 87(2)(b) was walking home from his cousin's house. § 87(2)(b) was alone and he was not carrying anything. As § 87(2)(b) passed the subway station at Fulton Street and Ralph Avenue, a male who § 87(2)(b) does not know asked him if the train was running. The male was alone and appeared to be nineteen or twenty years old. § 87(2)(b) responded that he was not sure. The male asked where else he could catch the train if it was not running there. § 87(2)(b) again responded that he was not sure. § 87(2)(b) spoke to the male for about a minute.

Right before § 87(2)(b) stopped talking to the male he noticed a beige Jeep-type vehicle pull up, which he thought to be a police vehicle. When two uniformed officers began to exit, § 87(2)(b) took off running. He ran because the last time he interacted with police officers he did not have identification and was taken to the station house to verify his identity. Two officers identified through the investigation as PO George Kurian and PO Sharon Ramirez of Patrol Borough Brooklyn North chased § 87(2)(b) on foot and an officer identified through the

investigation as Sgt. Michael Edmonds of Patrol Borough Brooklyn North followed him in the vehicle. PO Kurian was described as an Indian male, 5'9" to 5'10" tall, 220 to 230 pounds, black hair, in his late 20s. PO Ramirez was described as a light-skinned Hispanic female, 5'8" tall, 170 pounds, black hair, in her 20s. Sgt. Edmonds was described as a white male, 5'11" tall, blond hair, muscular build, in his 30s.

§ 87(2)(b) ran right onto Sumpter Street and then ran down to Fulton Street and Howard Avenue. He did not hear the officers say anything to him or tell him to stop. Sgt. Edmonds swerved the vehicle at § 87(2)(b) but did not actually hit him. § 87(2)(b) stopped on his own because he had nothing on him and was afraid the officers might shoot him if he kept running.

Sgt. Edmonds handcuffed § 87(2)(b) and put him inside the vehicle. When PO Kurian caught up to them, PO Kurian got inside the vehicle next to § 87(2)(b) and asked him something to the effect of, "You wanna run?" or "You gonna make me run?" PO Kurian grabbed the back of § 87(2)(b)'s neck in order to push his head forward, but not against anything. Sgt. Edmonds, who was seated in the front seat, turned around, and punched § 87(2)(b) ten to fifteen times in the left side of his face/temple area. § 87(2)(b) estimated that this lasted for three to four minutes. He tried telling the officers he was only § 87(2)(b)-old and did nothing wrong.

PO Ramirez walked up to the vehicle after Sgt. Edmonds stopped punching § 87(2)(b). As a result of being punched, he sustained bleeding, bruising, and slight swelling to the left side of his face. The officers drove § 87(2)(b) to the 81st Precinct stationhouse. § 87(2)(b) was released at about 1:15 a.m. when his mother picked him up. He did not receive a summons and was not arrested.

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b). His neck and upper back were sore and he figured the pain would subside, but it did not. He also had pain to the left side of his head. The doctors diagnosed him with a sprain to his neck and upper back.

At the conclusion of § 87(2)(b)'s CCRB interview, Inv. Hudson took a photo of what § 87(2)(b) identified as his visible injury. There is a small area of discoloration on § 87(2)(b)'s left temple (encl. 8C).

NYPD Statements:

Subject Officer: SGT. MICHAEL EDMONDS

- § 87(2)(b)-old white male, 5'10" tall, 200 pounds, with brown hair and brown eyes.
- On the date of the incident, he was working as the Impact sergeant. He worked from 5:15 p.m. on April 18, 2011 until 2:05 a.m. on April 19, 2011, was partnered with PO Sharon Ramirez and PO George Kurian, was dressed in uniform, and was assigned to an unmarked Trailblazer-type vehicle, tan in color, #8750.

Memo Book

On April 19, 2011, at 12:40 a.m., one male was stopped at Ralph Avenue and Fulton Street (encl. 9A-B). At 12:55 p.m., a juvenile report was prepared.

CCRB Testimony

Sgt. Edmonds was interviewed at the CCRB on August 15, 2011 (encl. 10A-B).

On April 19, 2011, at approximately 12:40 a.m., Sgt. Edmonds was driving with his partners in the vicinity of the subway station at Ralph Avenue and Fulton Street when he saw two black males in front of the sidewalk entrance and exit to the subway. The two males (one of whom was later identified as § 87(2)(b)) were standing at the top of the stairs, looking down into the subway station. There was a street robbery problem in that area, committed by groups of kids who confront a victim, grab the victim's phone, punch the victim in the face and rob the victim, and then run into the nearby NYCHA complex. On the night of this incident, Sgt. Edmonds was paying particular attention to this crime pattern.

Sgt. Edmonds observed the two males for approximately thirty seconds as he drove up to the location. They were blocking pedestrian traffic into and out of the subway, although he did not see anyone leave or exit the station while the males were standing there. Sgt. Edmonds told PO Kurian that they should approach the two males to see what they were doing. They wanted to ask if the males were waiting for or looking for someone, to make sure they were not casing the location or going to commit a robbery.

As soon as PO Kurian opened his door, the two males ran off in the same direction but on different sides of the street. PO Kurian told them, "Police, stop," but they kept running. PO Kurian ran after § 87(2)(b) and PO Ramirez ran after the other male, who was never apprehended. Sgt. Edmonds had started to exit the vehicle but decided to drive. Sgt. Edmonds followed them around the corner onto Sumpter Street and saw that PO Kurian was still chasing § 87(2)(b). PO Ramirez was still chasing the other male.

When § 87(2)(b) made a right turn onto Howard Avenue, he threw something to the ground. The item appeared to be a clear plastic bag that indicated to him that it was drugs of some sort, but Sgt. Edmonds was unable to describe it in any further detail. It was a dark and dimly lit street. The other male and PO Ramirez turned left where § 87(2)(b) went right.

Sgt. Edmonds tried to pull the car ahead of § 87(2)(b) to stop him, but § 87(2)(b) ran past the car. This happened once or twice more. § 87(2)(b) ran a block or block-and-a-half and was tired, so at this point, Sgt. Edmonds was able to turn the car in front of him. Sgt. Edmonds jumped out of his vehicle, grabbed § 87(2)(b) while he was running, placed § 87(2)(b) against the car and handcuffed him. § 87(2)(b) was under arrest for § 87(2)(b). PO Kurian was at least seven or eight car lengths away; Sgt. Edmonds did not know where PO Ramirez was at that point.

§ 87(2)(b) informed Sgt. Edmonds that he was § 87(2)(b)-old and had no identification. § 87(2)(b) appeared to Sgt. Edmonds to be sixteen or seventeen years old. § 87(2)(b) was respectful after being stopped. Sgt. Edmonds and § 87(2)(b) waited for PO Kurian and PO Ramirez, then drove back to where Sgt. Edmonds saw § 87(2)(b) throw the plastic bag. The officers were unable to recover the item during the canvass. Sgt. Edmonds denied ever punching § 87(2)(b) while inside the vehicle. § 87(2)(b) never complained of being injured. He had no swelling but did have a small scratch on the top of his head. It was possible that § 87(2)(b) sustained the scratch when he was pushed against the vehicle during his apprehension, but Sgt. Edmonds could not say for sure.

Sgt. Edmonds drove his partners and § 87(2)(b) to the 81st Precinct stationhouse. They called his mother and either PO Kurian or PO Ramirez completed a juvenile report. Sgt. Edmonds

decided to release § 87(2)(b) because he was respectful after being apprehended. After about thirty minutes, § 87(2)(b)'s mother arrived at the stationhouse. The officers explained to her what happened and he was released to her without being processed as an arrest.

Witness Officer: PO SHARON RAMIREZ

- § 87(2)(b) -old Hispanic female, 5'3" tall, 130 pounds, with brown hair and brown eyes.
- On the date of the incident, assigned to patrol. She worked from 5:30 p.m. on April 18, 2011 until 2:05 a.m. on April 19, 2011, was partnered with Sgt. Edmonds and PO George Kurian, was dressed in uniform, and was assigned to an unmarked Jeep-type vehicle #8750.

Memo Book

On April 19, 2011, at 12:47 a.m., PO Ramirez responded to a pick-up job of a group of kids loitering at the Fulton Street and Ralph Avenue subway station (encl. 11A-C). As the officers approached, § 87(2)(b) began to run eastbound on Fulton Street. At 12:55 a.m., § 87(2)(b) was stopped at the corner of Fulton Street and Ralph Avenue train station. At 1:12 a.m., his mother was notified. At 1:25 a.m., § 87(2)(b) was released to his mother's custody and a juvenile report was completed.

CCRB Testimony

PO Ramirez was interviewed at the CCRB on August 15, 2011 (encl. 12A-B). § 87(2)(g)

PO Ramirez stated that they observed the males for a minute or two. When they told the males, "police, don't move," the males ran.

The two running males separated at the end of the block; one went left and § 87(2)(b) went right onto Sumpter Street, which is when he dropped a hard object on the ground. Although PO Ramirez did not see the object before § 87(2)(b) threw it due to the dark conditions, she heard it make a loud sound when it hit the ground. § 87(2)(b) was weaving around cars at the time, and it was near a parking garage. PO Ramirez did not recall the exact location.

By the time PO Ramirez got to them, § 87(2)(b) was already in police custody, although she could not recall if he was handcuffed. § 87(2)(b) was then placed inside the police vehicle. § 87(2)(b) appeared nervous and when they asked him what he was doing at the subway station, he told them he was waiting for his girlfriend. He did not say that the other unapprehended male asked him for directions. PO Ramirez did not recall seeing Sgt. Edmonds punch § 87(2)(b) in the face.

Witness Officer: PO GEORGE KURIAN

- § 87(2)(b) -old Asian male, 5'7" tall, 180 pounds, with black hair and brown eyes.
- On the date of the incident, PO Kurian was working as the sergeant's operator. He worked from 5:30 p.m. on April 18, 2011 until 2:05 a.m. on April 19, 2011, was partnered with Sgt. Edmonds and PO Ramirez, was dressed in uniform, and was assigned to a silver Jeep Cherokee #8750.

Memo Book

At 12:47 a.m. on April 19, 2011, PO Kurian had a pick-up job of a group of kids loitering at the Ralph Avenue and Fulton Street subway station (encl. 13A-C). As the officers approached, § 87(2)(b) began to run eastbound on Fulton Street. At 12:55 a.m., one person under arrest, § 87(2)(b)

§ 87(2)(b) date of birth, § 87(2)(b), § 87(2)(b). At 1:12 a.m., his mother, § 87(2)(b) was notified. At 1:25a.m. he was released to the custody of his mother. A report was made.

CCRB Testimony

PO Kurian was interviewed at the CCRB on August 15, 2011 (encl. 14A-B). § 87(2)(g)

PO Kurian observed the males for one minute. They were blocking pedestrian traffic, and he observed them block one person who exited the station, but did not see anyone try to enter the station during this observation period. PO Kurian stated that an additional question he intended to ask when approaching was whether or not the males were lost and needed directions. After he identified himself as a police officer, the two males began running.

§ 87(2)(b) and the other male eventually split up and ran in different directions. PO Kurian continued chasing § 87(2)(b). PO Kurian saw § 87(2)(b) throw something to the ground, but was unable to see what the object was and did not hear it make a sound when it hit the ground.

PO Kurian did not see how § 87(2)(b) was stopped and by the time he caught up to them, Sgt. Edmonds already had § 87(2)(b) in handcuffs. § 87(2)(b) appeared scared and he was breathing hard and sweating. PO Kurian denied that Sgt. Edmonds punched § 87(2)(b) in the face.

Medical Records

On § 87(2)(b), at 6:03 p.m., § 87(2)(b) arrived at the § 87(2)(b) as a walk-in (encl. 15A-K). A physical exam revealed that he had a contusion/abrasion to his head. A CT-scan of his head was ordered, as well as a C-spine x-ray. § 87(2)(b) was diagnosed with a sprain/strain, which was categorized as a “minimal closed” neck/head injury. § 87(2)(b) was given Tylenol. He was not required to make any follow-up appointments, and no patient instructions were provided.

NYPD Documents

SPRINT Report

According to SPRINT #T00661, on April 19, 2011 at 12:56 a.m., a patrol sergeant reported one arrest at Ralph Avenue and Fulton Street (encl. 16).

Command Log

On April 19, 2011, at 12:50 a.m., § 87(2)(b) was logged in as PO Ramirez’s § 87(2)(b) arrest but was released to his mother, § 87(2)(b) at 1:25 a.m. His physical condition appeared normal (encl. 17).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 22, 2011, with regard to the incident (encl. 20C).

Civilian Criminal History

- § 87(2)(b) is a juvenile and thus his criminal conviction history cannot be obtained.

Civilian CCRB History

- This is § 87(2)(b)'s first complaint with the CCRB, § 87(2)(b)
- This is § 87(2)(b)'s first CCRB complaint (encl. 4).

Officer CCRB History

- Sgt. Edmonds has been a member of the service for nine years and there are two substantiated CCRB allegations against him (encl. 2).
 - In case 200402328, the Board substantiated allegations of physical force (pushed/shoved/threw) and retaliatory summons and recommended charges. Sgt. Edmonds was found guilty at trial and was penalized five vacation days.

Conclusion

Identification of Subject Officer

Sgt. Edmonds, who matched the physical description provided by § 87(2)(b) admitted to stopping § 87(2)(b). § 87(2)(b) identified the officer who stopped him as the same officer who punched him in the face. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Sgt. Michael Edmonds stopped § 87(2)(b)

§ 87(2)(b) stated that as he passed the subway station at Fulton Street and Ralph Avenue an unidentified male asked him questions about the subway which he did not know the answer to. After speaking to the male for a minute, § 87(2)(b) saw a police vehicle stop nearby, and when officers began exiting their vehicle, he ran away.

The officers consistently stated that they observed § 87(2)(b) and another male at the entrance to the subway station. Sgt. Edmonds stated that they observed the males for thirty seconds, PO Ramirez put the observation period at one-to-two minutes, and PO Kurian stated that the observation period was one minute. The officers stated that they wanted to approach the males due to their knowledge of robberies committed at the subway station. However, Sgt. Edmonds and PO Kurian also stated that they wanted to see if the males were waiting or looking for someone. PO Kurian also added that he wanted to see if they needed directions. The officers believed § 87(2)(b) was observed committing disorderly conduct by standing in the entrance to the subway. Sgt. Edmonds and PO Ramirez stated that they did not actually see § 87(2)(b) prevent any pedestrians from entering or exiting the subway, and PO Kurian stated that he saw them block one pedestrian trying to exit the station.

An officer may arrest an individual for an offense when he or she has reasonable cause to believe that such person committed an offense in their presence. N.Y. C.P.L. §§ 140.10 (1)(a) (encl. 1q-t). A person commits disorderly conduct when with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he or she obstructs pedestrian or vehicular traffic. N.Y.S. Penal law, § 240.20(5) (encl. 1b). In People v. Barrett the court held that “more than a temporary inconvenience” is necessary to be guilty of obstructing vehicular or pedestrian traffic. People v. Barrett, 13 Misc. 3d 929, 944 (N.Y. Cty. Crim. Ct. 2006) (encl. 1c-m). In People v. Holmes (encl. 1n-p) the court held that “Police pursuit of an individual ‘significantly impede[s]’ the person’s freedom of movement and thus must be justified by reasonable suspicion that a crime has been, is being, or is about to be committed... Flight alone,

however, or even in conjunction with equivocal circumstances that might justify a police request for information is insufficient to justify pursuit because an individual has a right ‘to be let alone’ and refuse to respond to police inquiry.” People v. Holmes, 81 N.Y.2d 1056, 1057-8 (1993)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B—Sgt. Michael Edmonds used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after he was handcuffed and placed inside the vehicle, Sgt. Edmonds, who was seated in the front of the vehicle, turned around and punched him ten to fifteen times in the left side of his face in the temple area. All of the officers denied this. Sgt. Edmonds admitted that § 87(2)(b) had a scratch on the side of his face, but he could only speculate that the injury was received when he placed § 87(2)(b) against the vehicle.

§ 87(2)(b) § 87(2)(b) told medical personnel that he was assaulted by policemen. He had pain to his head, face, and neck. His records stated both that he had a painless range of motion in his neck, and pain on movement of his neck. It was documented that he had a contusion/abrasion to his head. § 87(2)(b) was diagnosed with a sprain/strain, which was categorized as a “minimal closed” neck/head injury.

It is difficult to determine if § 87(2)(b) has a visible injury in the photograph taken of him at the CCRB, due to the poor quality of the photograph and other discolorations of his skin in the general area. § 87(2)(b) was interviewed two weeks after the incident, and because the only visible injury he was diagnosed with is a contusion/abrasion, it is possible that this injury would no longer have been visible.

According to *Patrol Guide Procedure 203-11* (encl. 1a), officers should only use the minimum amount of force necessary to effect an arrest. § 87(2)(g)

Team: 1

Investigator: _____ Hilary Hudson _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date